

Remarks

The current issue is with respect to amended claims 7 and 8, which, respectively, include the subject matter of now-cancelled claims 10 and 9. In the office action, the examiner has rejected claims under 35 U.S.C. §103 as being obvious over the combination of Foreman U.S. Patent Number 4,816,025 in view of McConnell U.S. Patent Number 3,461,872. While the applicant does not disagree that the teachings of McConnell and Foreman may be combined, it is submitted that those teachings, even if combined, would not render obvious the subject matter of amended claims 7 and 8.

With the exception of the concluding (and newly-added) clauses of claims 7 and 8, it has been previously determined by the Patent and Trademark Office that Foreman meets the claim language. McConnell has been cited by the examiner, however, to meet the concluding clauses of the claims, where the soft padding member is claimed as extending to the outside of the diaper, wrapping over the plastic layer edge, as set forth in claim 7.

In the office action, the examiner identifies the element corresponding to the soft padding member as being the barrier cuff 262 of Foreman. However, that element is clearly not a soft padding member that extends over the edge of the diaper. Instead, as specifically disclosed in Foreman, the barrier cuff “preferably has a flap portion and a channel portion. The flap portion is contiguous with the channel portion and extends outwardly from the proximal edge of the channel portion toward the edge of the diaper 20, preferably to the edge, such that each of the flaps is formed from the extension of the back sheet 42 and the flap portion of the respective barrier cuff” (column 11, lines 14 - 20). The purpose of the barrier cuff is well described in Foreman, where, although it may have padding, the purpose is to capture and control liquid and solid matter. It is not for the purpose of wrapping or protecting the edge of the diaper.

In McConnell, it is true that the waist edge portion is covered by an outer fabric strip 22 to prevent contact with the elastic strip 21 (column 3, lines 31 - 40). However, it is clear from McConnell that the strip 22 is simply a protective member, and if the teaching of this protective member is combined with the teachings of Foreman, it is clear that the protective member would

wrap over the edge 32 of the Foreman structure. That is totally distinct from the barrier cuff 62, and in McConnell, the strip 22 is not padded in any manner.

In distinction, claim 7 specifically requires that the soft padding member be distinct from all of the body portion layer, and extend from the inside to the outside of the diaper, wrapping over the plastic layer edge. The soft padding member not only provides a soft cushion or pad, but also provides an additional barrier to alleviate leakage, as set forth in the specification.

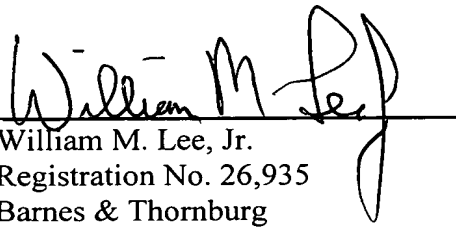
In McConnell, the strip 22 is simply a protective strip to prevent the elastic material from impinging on the skin. It has no other feature. In Foreman, there is no strip at all, and leakage protection is due to the barrier cuff, which extends outwardly from the edge and forms no part thereof.

To make the features of the present invention quite clear, each of claims 7 and 8 has been amended to emphasize the dual nature of the soft padding member. It provides cushioning and a barrier, and that has been added to the claims.

Given the above and the clear distinction of the claimed subject matter from the disclosures of Foreman and McConnell, whether considered alone or in combination of their teachings, it is submitted that amended claims 7 and 8 are now in condition for allowance, and the examiner's further and favorable reconsideration in that regard is urged.

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Respectfully submitted,


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